S.B.CRIMINAL MISC. BAIL APPLICATION NO.4763/2007

(Mania & Anr. Vs. State of Rajasthan)

DATE OF ORDER : October 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mahesh Thanvi, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary. I have also gone through the statement of injured Narayan.

The allegation of causing injury is against Ravji, who inflicted sword injury to the injured and other two persons viz. Arjun and Mangilal, who inflicted injuries to injured Narayan by lathis, however, names of the present petitioners have not been shown in the statement of the injured; no specific overt act has been assigned to the petitioners and the petitioners have not inflicted any injury to any of the injured persons. In this view, of the matter since, there is no allegation against the present petitioners, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the

event of arrest of petitioners Mania s/o Phooliya Katara and Raju s/o Dhan Ji Katara in FIR No.278/2007, P.S. Kotwali, Banswara they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-